



# DEFENSE FINANCE AND ACCOUNTING SERVICE

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DFAS-HQ/FMM

MEMORANDUM FOR DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE  
- CLEVELAND CENTER  
DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE  
- DENVER CENTER

SUBJECT: Change to Department of Defense Financial  
Management (DoDFMR), Volume 7, Part B, Comptroller  
General and General Accounting Office References  
(DFAS Item G-25)

This is DFAS Interim Change R16-97 to the DoDFMR, Vol 7B.  
This change is effective immediately.

We have evaluated your comments on the draft change to the DoDFMR, Vol 7B. The attached final version of the change includes your comments where appropriate. Assignment of an interim change number is your authority to start a procedural modification, if necessary, to facilitate this change. For the Denver Center, use the attached to initiate the formal printed change to the DoDFMR and the interim change.

Our point of contact, Mr. Malufau, may be contacted at DSN 327-5061 or Commercial (703) 607-5061.

Roger W. Scarce  
Brigadier General, USA  
Deputy Director for Finance

Attachment:  
As stated

cc: DASD(MMP) Comp  
ODGC(F)  
DFAS-DE/DG  
Service Liaisons  
USCG/NOAA/PHS Liaisons

Proposed Changes to DoDFMR, Volume 7B to Change Delegation of Former GAO Functions.

1. Change paragraph 20115f to read:

"f. Indebtedness resulting from erroneous payment of retired pay due to dual compensation is collectible when discovered after 6 years from the last period of employment only if the Department of Defense is notified within the 6-year period. Otherwise,..."

2. Change paragraph 20132e, added in R12-95, to read:  
(This change allows Table 2-1-7 to include past Comptroller General decisions as well as future decisions by DoD General Counsel or by Defense Office of Hearings and Appeals.)

"e. See Table 2-1-7 for synopsis of decisions which relate to conflict of interest statutes."

3. Change Table 2-1-7 heading to read:

"DECISIONS ON CONFLICT OF INTEREST"

4. Change paragraph 20203c to read:

"c. See Table 2-2-1 for decisions pertaining to loss of United States citizenship upon acquisition of foreign citizenship."

5. Change Table 2-2-1 to read:

"DECISIONS-FOREIGN CITIZENSHIP"

6. Change paragraph 60209, third sentence, to read:

"Application for waiver must be received by the Department of Defense within 3 years from the date the erroneous payment was discovered. The member..."

7. Change paragraph 70104c to read:

"c. "If there is no person listed in the order of precedence in this section, obtain a claim from the person paying the funeral expenses."

8. Change paragraph 70104e, second sentence, to read:

"e. "If doubt exists as to entitlement, the Department of Defense will settle the claim."

9. Change paragraph 70106a, last sentence, to read:

"a. "When this statement is received, settle the arrears through submission to the Defense Office of Hearings and Appeals."

10. Change paragraph 70107 to read:

"Cases involving questions of fact or law cannot be paid without approval of the Defense Office of Hearings and Appeals (DOHA).

a. These include cases when:

(1) Doubt exists as to the amount or validity of the claim.

(2) Doubt exists as to the person or persons properly entitled to the payment.

b. Notify claimant that claim has been forwarded to DOHA for approval of settlement."

11. Change paragraph 70108b to read:

"b. Effective 15 Jun 1989, GAO ruled that claims may be filed with either the individual Federal agency or with GAO within 6 years after the time the claim accrued or it is forever barred. Since the transfer of certain functions from GAO to OMB effective June 30, 1996, claims are filed with the Department of Defense."

12. Change paragraph 70203b and c to read:

"b. If no executor, administrator, or fiduciary has been or will be appointed by the court, or if for any reason the claim is questionable, send the claim to DFAS Denver Center.

c. A claim for arrears of annuity must be filed within the 6-year statute of limitation restriction. However, when the person otherwise entitled to payment has not submitted a claim and cannot be located within 3 years after the death of the annuitant, a claim made by other than the executor, administrator, or fiduciary may be settled by DFAS Denver Center."

13. Change paragraph 70303, second sentence, to read:

"The disbursing officer may be relieved of liability for amounts not recovered when the officer has shown that he/she did not know and could not have known of a retiree's or annuitant's death prior to making payments after the retiree's or annuitant's death."

14. Delete paragraph 80504d, and redesignate 80504e as 80504d.

15. Change paragraph 80506 to read:

"For unique conditions affecting entitlement of annuity payments to widow or widower, see table 8-5-2 for decisions."

16. Change paragraph 80507d to read:

"d. For unique conditions affecting entitlement and payment of annuities for a child or children, see table 8-5-3 for decisions."

17. Change Table 8-5-1, Comptroller General Decisions-Annuity Payments, General to read:

"Table 8-5-1, Decisions-Annuity Payments, General"

18. Change Table 8-5-2, Comptroller General Decisions-Annuity Payments, Widow or Widower, to read:

"Table 8-5-2, Decisions-Annuity Payments, Widow or Widower"

19. Change Table 8-5-3, Comptroller General Decisions-Annuity Payments, Child or Children, to read:

"Table 8-5-3, Decisions-Annuity Payments, Child or Children"

20. Change paragraph 80604a to read:

"a. Recovery of an overpayment of the RSFPP annuity is not required if, in the judgment of the DFAS Director, or the Director's designee, there was no fault by the person to whom the amount was erroneously paid and recovery would be contrary to the purpose of the plan or against equity and good conscience. Proof of hardship is not required if the waiver is otherwise in order. Suspension of collection action may be authorized on receipt of waiver request. Refund of an amount withheld before receipt of a request for waiver is not authorized. When a waiver is granted, refund amounts collected after receipt of the waiver request."

21. Change paragraph 90604a to read:

"a. Recovery of an overpayment of an SBP annuity is not required if, in the judgment of the DFAS Director or the Director's designee, there was no fault by the person to whom the amount was erroneously paid and recovery would be contrary to the purpose of the plan or against equity and good conscience."

22. Delete the last sentence in paragraph 91005 which begins "Refer doubtful cases..."